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November 2, 2022

Via ECF

The Honorable James B. Clark III, U.S.M.J.
U.S. District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut St.
Newark, New Jersey 07102

Re: LiveUniverse, Inc., v. Muijrs, et al
Case No. 2:22-cv-04918

Dear Judge Clark:

This firm represents two Belgian defendants, Rene Muijrs ("Muijrs") and ICONV SPRL ("ICONV") (collectively referenced herein as the "ICONV Defendants"), in the above-referenced matter.¹ Plaintiff apparently attempted service on ICONV in Belgium but failed to properly to serve it under the Hague Convention. Plaintiff apparently has not attempted service on Muijrs in this matter. Although the ICONV defendants take the position that there has been no effective service of process on either, it seeks the Court's abeyance in an abundance of caution to prevent an improper default and related motion practice (see e.g. Palisades Capital, Inc. v. Muijrs, et al., Case No. 2:21-cv-20054-ES-JBC (Dockets #26-29, 32-22) (default and motion to vacate default)).

We write in response to counsel for Plaintiff's letter submitted today (Document # 27), as well as the letter submitted by defendant Viral Hog and others (the "Montana Defendants"). Although we do not oppose granting Plaintiff's request to sync the motion schedules and/or for more time, we note that Plaintiffs have not demonstrated that they have properly served all parties. Therefore, we concur with the relief requested by the Montana Defendants that the matter should be stayed as the more prudent course of action.

In addition to the points made by the Montana Defendants, the overlapping briefing schedules in the *LiveUniverse* and *Palisades* matters (*Palisades Capital, Inc. v. Muijrs, et al.*,

¹ This letter is written without prejudice to, or waiver of, any of the ICONV Defendants' defenses including, but not limited to, F.R.C.P. 12 (b) motions and those related to ineffective or lack of service of process, or lack of jurisdiction, in any matter. If and when any of the ICONV Defendants file a response to the Complaint, they expect to assert multiple 12(b) motions including, but not limited to, ineffective or lack of service of process, and lack of jurisdiction.



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Civil Action No. 21-20054 (ES-JC) put a huge burden on the defendants' resources, judicial economy, and the orderly resolution of these cases. For our clients, the overlapping schedule creates the perfect storm. One of our key team members just left on an extended leave of absence. I will be joining the defense team to fill the void and add expertise, but have an extremely tight schedule over the next several weeks. Another firm team attorney is out of the office on business during the current filing date. Moreover, we anticipate making arguments in response to the anticipated *Palisades Capital* motion for leave to amend that could eventually result in dismissal of *Palisades Capital* by motion, and thereafter have preclusionary effect on the *LiveUniverse* case.

As a result, the stay suggested by the Montana Defendants makes complete sense to avoid an incredible waste of resources and confusion.

In the alternative, in the event the Court does not entertain the stay urged by the Montana Defendants, we respectfully request in the alternative that the current deadline for all *LiveUniverse* defendants to move or respond to the Complaint on November 16, 2022 be moved 30 days to December 16, 2022. This will relieve some of the aforementioned pressure caused by attorney resource issues and overlapping motion schedules. In particular, the undersigned has two already-adjudged deadlines to oppose summary judgment motions in a different federal court matter. This request is without prejudice to service or jurisdictional issues.

Respectfully submitted,

NORRIS McLAUGHLIN, P.A.
Attorneys for Rene Muijres and ICONV Sprl

By: /s Nicholas A. Dustin
NICHOLAS A. DUSTIN, ESQ.

cc: All Counsel of Record (via ECF)